

**Subpart 629.4—Contract Clauses****629.401 Domestic contracts.****629.401–70 DOSAR contract clause.**

The contracting officer shall insert the clause at 652.229–71, Excise Tax Exemption Statement for Contractors Within the United States, in solicitations and contracts if the prospective contractor is located inside the United States and the acquisition involves export of supplies to an overseas post.

**PART 630—COST ACCOUNTING STANDARDS**

AUTHORITY: 22 U.S.C. 2658; 40 U.S.C. 486(c); 48 CFR Subpart 1.3.

**Subpart 630.3—CAS Program Requirements****630.201–5 Waiver.**

The Procurement Executive is the agency head's designee for the purposes of FAR 30.201–5(c).

[53 FR 26173, July 11, 1988]

**PART 631—CONTRACT COST PRINCIPLES AND PROCEDURES**

AUTHORITY: 40 U.S.C. 486(c); 22 U.S.C. 2658.

**Subpart 631.1—Applicability****631.101 Objectives.**

The Procurement Executive is the agency head's designee for the purposes of FAR 31.101.

[59 FR 66764, Dec. 28, 1994]

**PART 632—CONTRACT FINANCING****Subpart 632.4—Advance Payments**

Sec.

632.402 General.

632.407 Interest.

**Subpart 632.7—Contract Funding**

632.703 Contract funding requirements.

632.703–3 Contracts crossing fiscal years.

**Subpart 632.8—Assignment of Claims**

632.803 Policies.

**Subpart 632.9—Prompt Payment**

632.903 Policy.

632.908 Contract clauses.

AUTHORITY: 40 U.S.C. 486(c); 22 U.S.C. 2658.

SOURCE: 53 FR 26173, July 11, 1988, unless otherwise noted.

**Subpart 632.4—Advance Payments****632.402 General.**

(b) Advance payments shall be authorized sparingly. Contracting officers should consider the use of partial payments, fast payments, or more frequent payments as alternatives to advance payments.

(c)(1)(iii) The authority to make the determination prescribed in FAR 32.402(c)(1)(iii) is delegated, without power of redelegation, to the head of the contracting activity (see 601.603–70). For acquisitions by overseas posts, the head of the contracting activity shall obtain the concurrence of the Procurement Executive before making a determination pursuant to this section.

[53 FR 26173, July 11, 1988, as amended at 59 FR 66764, Dec. 28, 1994]

**632.407 Interest.**

(d) The Procurement Executive is the agency head's designee for the purposes of FAR 32.407(d).

[59 FR 66764, Dec. 28, 1994]

**Subpart 632.7—Contract Funding****632.703 Contract funding requirements.****632.703–3 Contracts crossing fiscal years.**

(a) The State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2696(e)), allows funds from annual appropriations to extend beyond the fiscal year in which the acquisition was funded. This authority may be used for acquisitions of supplies or services, regardless of dollar amount or contract type. Use of this authority requires that:

(1) The acquisition normally would be considered severable (i.e., the services are repetitive and can be started

or stopped any time; would normally be funded and performed within a fiscal year; and are not services integral to the creation of an end product. An example is janitorial services);

(2) The base performance period is twelve months, begins in the current fiscal year, and crosses into the next fiscal year; and,

(3) Full funding for twelve months is available in the current year.

(b) If the acquisition involves more than one source of funds, the contract shall be priced to identify the source of funds (by allotment) with the relevant portion of the total supplies or services. For current Department contracts, bilateral modifications are authorized where necessary to convert to a performance period that crosses fiscal years, as long as the requisite funding is available as described in paragraph (a), and provided that the total contract length does not increase.

(c) Use of this authority shall be documented in the contract file and be included as part of the Advance Acquisition Plan and Price Negotiation Memorandum. If neither document is relevant to the acquisition, the contracting officer shall prepare a written document to the file indicating compliance with this subsection.

(d) For acquisitions conducted by overseas posts that are funded by another agency, the contracting officer shall ensure that funding for the full twelve-month period is available at time of award if the authority in 22 U.S.C. 2696(e) will be used.

[59 FR 66764, Dec. 28, 1994]

### **Subpart 632.8—Assignment of Claims**

#### **632.803 Policies.**

(b) The assignment of claims shall be prohibited for all personal services contracts. The assignment of claims shall also be prohibited for all contracts awarded and performed overseas, unless approval is received from the Procurement Executive.

[59 FR 66764, Dec. 28, 1994]

### **Subpart 632.9—Prompt Payment**

#### **632.903 Policy.**

The authority to make the determination prescribed in FAR 32.903 is delegated, without power of redelegation, to the head of the contracting activity. Before making a determination concerning early invoice and contract financing payments, the head of the contracting activity shall consult with the Office of Fiscal Operations director, or designee.

[55 FR 5775, Feb. 16, 1990]

#### **632.908 Contract clauses.**

(a) The contracting officer may insert a clause substantially the same as the clause at 652.232-70, Payment Schedule and Invoice Submission (Fixed-Price), in fixed-price type solicitations and contracts.

(b) The contracting officer may insert a clause substantially the same as the clause at 652.232-71, Voucher Submission (cost-Reimbursement), in cost-reimbursement type solicitations and contracts.

[59 FR 66764, Dec. 28, 1994]

## **PART 633—PROTESTS, DISPUTES, AND APPEALS**

### **Subpart 633.1—Protests**

Sec.

633.102 General.

633.103 Protests to the agency.

633.104 Protests to GAO.

633.105 Protests to GSBICA.

### **Subpart 633.2—Disputes and Appeals**

633.203 Applicability.

633.211 Contracting officer's decision.

633.214-70 Alternative dispute resolution.

633.270 Disputes and appeals under DOS contracts subject to the Contract Disputes Act of 1978.

633.270-1 Scope of section.

633.270-2 Designation.

633.270-3 DOS support.

AUTHORITY: 40 U.S.C. 486(c); 22 U.S.C. 2658.

SOURCE: 53 FR 26173, July 11, 1988, unless otherwise noted.